REMARKS

This communication is in response to the Nonfinal Office Action dated May 30, 2008, in which paragraphs 27 and 28 were objected to because of incorrect numerical drawings references, claims 30 and 72 were objected to because claim 30 references "computer-accessible medium of claim 27" even though claim 27 does not recite a "computer-accessible medium and claim 72 is objected to because of a grammatical error on line 2, "wherein the displaying further comprises a displaying the annotated image in a browser in which the Examiner suggested using "wherein the displaying further comprises a displaying of the annotated image in a browser," claims 6, 16-19, 20-22, 23-25, 26-27, and 55-56 were rejected under 35 U.S.C. 11 2, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, claims 1-15, 20-22, 26-50, 55-56, and 59-74 rejected under 35 U.S.C. 101, claims 1, 4-6, 16, and 18-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. (hereinafter Jain) US 200210073091, claims 28, 31, 34, 37, 38, 40, 41, 45, 50, 57, 58, 75, 78, 79, 80, and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto, US 20050198202, claims 29, 30, 32, 33, 35, 42, 43, 44, 48, 49, 76, and 77 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, in view of Goede, claims 36, 39, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, in view of Jain, claims 51- 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jain, in view of Yamamoto, in further view of Goede,

Objections to paragraphs 27 and 28

In response to the objection to paragraphs 27 and 28 as having incorrect

numerical references to drawings, paragraphs 27 and 28 are amended herein according to the suggestion of the Examiner in the Office Action dated May 30, 2008.

Objections to claims 30 and 72

In response to the objections to claims 30 and 72, claim 30 is amended herein to change the dependency of claim 30 to be dependent upon claim 28 and claim 72 is amended herein to require "of" between "displaying" and "the annotated" in line 2 of claim 72. Applicant requests withdrawal of the objections to claims 30 and 72.

Rejection of claims 6, 16-19, 20-22, 23-25, 26-27 and 55-56 under 35 U.S.C. 112.

Claims 6, 16-19, 20-22, 23-25, 26-27, and 55-56 are rejected under 35 U.S.C. 11 2, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because "claims 6, 16, 18, 19, 20, 21, 23, 24, 26, 27, 55, and 56 contain the trademark trade name "Java."

In response, claims 6, 16, 18, 19, 20, 21, 23, 24, 26, 27, 55, and 56 are amended herein to replace "Java" with "high-level language." Applicant requests withdrawal of the rejection of claims 6, 16-19, 20-22, 23-25, 26-27 and 55-56 under 35 U.S.C. 112.

Rejection of claims 1-15, 20 - 22, 26-50, 55-56, and 59-74 rejected under 35 U.S.C. 101

The Office Action stated that:

"[c]laims 1-15, 20-22, 26-50, 55-56, and 59 - 74 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 8, 20, 28, 31, 34, 45, 59, 62, 64, and 70

> recites a "computer accessible medium" However, it
> appears that this "computer-accessible medium" is
> intended to include a "propagated signal," (see page
> 13, paragraph [0056], lines 1-2 of the specification)."

In response, paragraph 56 is amended herein to delete the reference to "signal." Applicant requests the withdrawal of the rejection of claims 1-15, 20 - 22, 26-50, 55-56, and 59-74 under 35 U.S.C. 101.

The Office Action also states that "Claim 13 recites a "development system" that has been reasonably interpreted as a computer program, software, listing per se (see Fig. 1, and page 7, paragraph [0032], lines 1-6 of the specification). Claim 13 fails to recite the "development system" as stored on an appropriate computer readable medium…" In response, claim 13 is amended to require that the "development system is "stored on a computer-accessible medium." Applicant requests the withdrawal of the rejection of claim 13 under 35 U.S.C. 101.

Rejection claims 1, 4-6, 16, and 18-21 under 35 U.S.C. 102(b)

Claims 1, 4-6, 16, and 18-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. (hereinafter Jain) US 200210073091.

Claims 1, 4, 16 and 18-21 require a "non-procedural image annotation template." However Jain does not disclose the words "image," "imaging," "imager," or "imaged." Thus, Jain does not disclose claims 1, 4, 16 and 18-21 and the dependent claims 2-7, 17 and 22. Thus, claims 1-7, 16-22 are allowable.

Rejection of claims 28, 31, 34, 37, 38, 40, 41, 45, 50, 57, 58, 75, 78, 79, 80, and 81 under 35 U.S.C. 102(e)

Claims 28, 31, 34, 37, 38, 40, 41, 45, 50, 57, 58, 75, 78, 79, 80, and 81 were rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto, US 20050198202.

Per claims 28-33

Claims 28 and 31 require a "non-procedural image annotation template."

The Office Action cites paragraph 70 of Yamamoto (20050198202) as disclosure of "non-procedural image annotation template." Paragraph 70 of Yamamoto states: "

The set of viewing information includes: a) document information representing a selected file (document) in a format viewable in the Web browser (e.g., a Hyper-Text Mark-up Language (HTML) file); b) annotation information representing annotations in a format viewable in the Web browser (e.g., an HTML file); and c) a script for allocating the annotations to the file (document) (e.g., a JavaScript))."

However, the word "template" does not appear in paragraph 70 of Yamamoto, nor does the word "template" appear anywhere in Yamamoto. Thus, Yamamoto does not disclose "non-procedural image annotation template." Thus, claims 28 and 31 and the dependent claims 29-30 and 32-33, respectively, are allowable.

Per claims 34-44

Claim 34 requires an "image annotation executable."

The Office Action states that paragraph 70 of Yamamoto (20050198202) discloses an "image annotation executable." Paragraph 70 of Yamamoto discloses that:

> "[t]he set of viewing information includes: a) document information representing a selected file (document) in a format viewable in the Web browser (e.g., a Hyper-Text Mark-up Language (HTML) file); b) annotation information representing annotations in a format viewable in the Web

browser (e.g., an HTML file); and c) a script for allocating the annotations to the file (document) (e.g., a JavaScript)).”

Per claims 45-50

Claim 45 requires an "annotated medical image." However, "medical" is not disclosed by Yamamoto.

Claim 45 also requires an "annotation presentation description having instructions that are native to a processor." However, the word "native" is not disclosed by Yamamoto.

Thus, Yamamoto does not disclose claim 45 and the dependent claims 46-50.

Per claim 75

Claim 75 requires "the computer instructions being native to the processor." The Office Action states that paragraph 22 of Yamamoto discloses "the computer instructions being native to the processor." However, Yamamoto does not disclose the word "native." Thus, claim 75 is allowable.

Per claims 78-81

Claim 78 requires "image annotation executable that includes computer instructions of the new annotation calculations that are native to a processor of the medical imaging system." The Office Action states that paragraph 70 of Yamamoto discloses "image annotation executable that includes computer instructions of the new annotation calculations that are native to a processor of the medical imaging system." However, Yamamoto does not disclose the word "native." Thus, claim 78 and the dependent claims 79-81 are allowable.

Rejection of claim 7 under 35 U.S.C. 103(a)

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jain, in view of Goede et al. (hereinafter Goede) US 20060061595.

Claim 7 requires "the computer instructions being native to the processor." The Office Action states that paragraphs 56 and 77 of Goede (20060061595) discloses "the computer instructions being native to the processor." However, Goede does not disclose the word "native." Thus, claim 7 is allowable.

Rejection of claims 51- 54 under 35 U.S.C. 103(a)

Claims 51- 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jain, in view of Yamamoto, in further view of Goede.

Claim 51 requires "the computer instructions being native to the processor." The Office Action states that paragraphs 56 and 77 of Goede (20060061595) discloses "the computer instructions being native to the processor." However, Goede does not disclose the word "native." Thus, claim 51 and the dependent claims 52-54 are allowable.

Rejection of claims 2, 3, 8, 10, 12-15, 17, 22-27, 55 and 59-74 are rejected under 35 U.S.C. 103(a)

Claims 2, 3, 8, 10, 12-15, 17, 22-27, 55 and 59-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain, in view of Yamamoto.

As discussed above, claims 2, 3, 17, 22 are dependent claims that are allowable as being dependent upon an allowable independent claim.

Per claims 8-12

Claim 8 requires an "image annotation executable."

The Office Action states that figure 1 of Jain discloses an "image annotation executable." However, an "image annotation executable" is mot shown in Fig. 1 of Jain. In particular, the "java object" 124 in Fig. 1 of Jain is not "executable" because Java programs are "language independent" which is one of the main features of Java. Please see the "platform independence" section of http://en.wikipedia.org/wiki/Java_(programming_language). Thus, claim 8 and

the dependent claims 9-12 are allowable.

Per claims 13-15

Claim 13 requires "compile the image annotation source code into a medical image annotation executable, to an instruction set of a processor of a medical imaging system." The Office Action cites paragraph 70 of Yamamoto (20050198202) or Jain (2002/0073091) as disclosure of "compile the image annotation source code into a medical image annotation executable, to an instruction set of a processor of a medical imaging system." However, paragraph 70 of Yamamoto does not provide any disclosure that approximates the required language of claim 13 and the dependent claims 14-15. Thus, claims 13-15 are allowable.

Claims 23-27

Claims 23 and 26 require a "non-procedural image annotation template." However Jain does not disclose the words "image," "imaging," "imager," or "imaged." Thus, Jain does not disclose claims 23 and 26 and the dependent claims 24-25 and 27. Thus, claims 23-27 are allowable.

Per claims 55-56

Claim 55 requires an "annotated medical image." However, "medical" is not disclosed by Yamamoto.

Claim 55 also requires an "annotation presentation description having instructions that are native to a processor." However, the word "native" is not disclosed by Yamamoto.

Thus, Yamamoto does not disclose claim 55 and the dependent claim 56.

Claims 59-61

Claim 59 requires "DICOM." However none of the reference disclose the

DICOM. Thus, Jain does not disclose claim 59 and the dependent claims 60-61. Thus, claims 59-61 are allowable.

Claims 62-63

Claim 62 requires an "image annotation _native_ computer instructions." However, the word "native" is not disclosed by any of the references. Thus claim 62 and the dependent claim 63 is allowable.

Claims 64-74

Claims 64 and 70 require an "executable instructions that are native to the processor." However, the word "native" is not disclosed by any of the references. Thus claims 64 and 70 and the dependent claims 65-69 and 71-74, respectively, are allowable.

Rejection of claims 29, 30, 32, 33, 35, 42, 43, 44, 48, 49, 76, and 77 are rejected under 35 U.S.C. 103(a).

Claims 29, 30, 32, 33, 35, 42-44, 48, 49, 76, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, in view of Goede.

As discussed above, claims 29, 30, 32, 33, 35, 42-44 and 48-49 are dependent claims that are allowable as being dependent upon an allowable independent claim.

Per claims 76-77

Claim 76 requires "computer instructions that are native to a processor of the medical imaging system." The Office Action states that paragraph 56 of Goede discloses "image annotation executable that includes computer instructions of the new annotation calculations that are native to a processor of the medical imaging system." However, Goede does not disclose the word "native." Thus, claim 76 and the dependent claim 77 are allowable.

Rejection of claims 36, 39, 46, and 47 are rejected under 35 U.S.C. 103(a)

Claims 36, 39, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, in view of Jain.

As discussed above, claims 36, 39, 46, and 47 are dependent claims that are allowable as being dependent upon an allowable independent claim.

Rejection of claims 9, 11, and 56 were rejected under 35 U.S.C. 103(a)

Claims 9, 11, and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jain, in view Yamamoto, in further view of Goede.

As discussed above, claims 9, 11 and 56 are dependent claims that are allowable as being dependent upon an allowable independent claim.

Rejection of claims 51-54 were rejected under 35 U.S.C. 103(a).

Claims 51, 52, 53, and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jain, in view of Yamamoto, in further view of Goede.

Claim 51 requires "the computer instructions being native to the processor." The Office Action states that paragraphs 56 and 77 of Goede (20060061595) discloses "the computer instructions being native to the processor." However, Goede does not disclose the word "native." Thus, claim 51 and the dependent claims 52-54 are allowable.

Conclusion

Applicant believes that claims 1-81 are allowable. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney Michael G. Smith at 202-595-1444 x2.

Respectfully Submitted,

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